

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARRY RUEGGE,	)	4:15CV3046
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
BRIAN GAGE,	)	
	)	
Respondent.	)	

This matter is before the court on Petitioner's Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing No. [5](#).) Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). The court has reviewed the application to proceed IFP. Petitioner's trust account information shows that Petitioner's account contained an average monthly balance of \$100 or more for the six-month period immediately preceding the filing of the petition. (Filing No. [7](#).) Thus, the court concludes that Petitioner must be required to pay the \$5.00 filing fee because Petitioner has the financial ability to do so. *See* [28 U.S.C. § 1915\(a\)](#). No further review of this case will take place until the fee is paid.

IT IS THEREFORE ORDERED that:

1. Petitioner's application to proceed IFP (Filing No. [5](#)) is denied.
2. Petitioner has 30 days in which to pay the \$5.00 filing fee. The court may dismiss this case without further notice if the fee is not paid as required.
3. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: July 17, 2015: deadline for Petitioner to pay \$5.00 filing fee.

4. No further review of this case will take place until the filing fee is paid.

DATED this 15<sup>th</sup> day of June, 2015.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge

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